

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION**

DWAYNE D. MCGOWAN

vs.

JAI GANESH DEVA, INC., AMIT PATEL

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NO: WA:14-CV-00006-WSS

SCHEDULING ORDER

The disposition of this case will be controlled by the following schedule of deadlines. The parties shall also comply with any deadlines required by Rule 26 of the Federal Rules of Civil Procedure and Rule CV-16 of the Local Rules of the Western District of Texas, except the parties are excused from submitting a proposed scheduling order. This Order does not supplant the requirements of Local Rule CV-16, nor any other Local Rule with which it conflicts.

1. **April 01, 2014** ALTERNATIVE DISPUTE RESOLUTION (ADR) designation will be submitted to the Court. All parties will complete and return one of the following by this date (original and one copy):
- a) an ADR docketing statement; **OR**
 - b) a joint motion for referral to ADR.

NOTE: The deadlines of this Scheduling Order will remain in effect if ADR is ordered or chosen.

2. **June 02, 2014** NEW PARTIES will be joined by this date. The party causing such joinder will provide copies of this scheduling order, along with any attachments, to the new parties.

3. **July 02, 2014** MOTIONS FOR LEAVE TO FILE AMENDED and/or SUPPLEMENTAL PLEADINGS will be filed by this date.

PARTIES asserting claims for relief shall provide their designation of testifying experts to the other parties.

4. **August 01, 2014** PARTIES resisting claims for relief shall provide their designation of testifying experts to the other parties. All

designations of rebuttal experts shall be provided to the other parties within 15 days of receipt of the report of the opposing expert.

DISPOSITIVE MOTIONS, as defined in Local Rule CV-7(h), must be filed by this date.

NOTE: The Court will not act upon any motion, either dispositive or non-dispositive, which fails to comply with Local Rule CV-7. Motions are limited to 20 pages in length unless otherwise authorized by the Court. Absent specific order of the Court, discovery is not to be held in abeyance pending ruling of the Court on any motion.

DISCOVERY should be completed by this date. Counsel may, by agreement, continue discovery beyond this date, but there will be no intervention by the Court, such as Rule 37 proceedings, absent a showing of extreme prejudice. No trial setting will be vacated because of information acquired in post-deadline discovery.

5. October 03, 2014

Pursuant to Federal Rule of Evidence 702, an objection to the reliability of an expert's proposed testimony shall be made within 30 days of receipt of the written report of the expert's proposed testimony, or within 30 days of the expert's deposition, whichever is later, but must be filed no later than this date. Such a motion must specifically state the basis for the objection and identify the objectionable testimony.

6. October 24, 2014

The items required by Local Rule CV-16(e) must be filed by this date.

NOTE: The list of proposed witnesses shall include a brief, but specific, statement of the testimony to be offered by the witness.

7. October 29, 2014

Pursuant to Local Rule CV-16(f), the parties should submit objections to specified deposition testimony, and objections to the admissibility of any exhibits. The objection should be detailed and specific. Objections not disclosed by this date, other than objections under Rules 402 and 403 of the Federal Rules of Evidence,

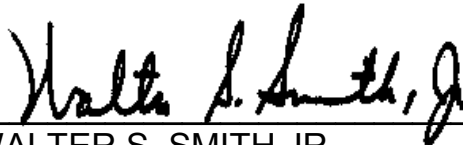
shall be deemed waived unless excused by the Court for good cause shown.

8. **November 03, 2014** **JURY SELECTION AND TRIAL** will begin at 9:00 A.M. on this date in District Courtroom #1, United States Courthouse, 800 Franklin Avenue, Waco, Texas. Counsel **MUST** be prepared for trial by this date and thereafter will be subject to call by the Clerk on short notice.

EXHIBITS TO BE USED AT TRIAL SHOULD BE BOUND IN THREE-RING BINDERS (one copy for Judge Smith, original exhibits for Court Clerk). **ALL EXHIBITS MUST BE MARKED PRIOR TO TRIAL.**

NOTICE: **FAILURE TO COMPLY WITH THIS ORDER MAY RESULT IN SANCTIONS PURSUANT TO FED.R.CIV.P. 16(f).**

SIGNED this 4th day of February, 2014.

A handwritten signature in black ink, appearing to read "Walter S. Smith, Jr.", written over a horizontal line.

WALTER S. SMITH JR
UNITED STATES DISTRICT JUDGE